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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Joseph Fabian Ellison, et al.

Serial No: 10/055183

Art Group Unit: 2154

Filing Date: October 26, 2001

Examiner: WEN TAI LIN

Title: CHARACTERIZATION OF
OPTICAL PREFORMS

RESPONSE

Commissioner for Patents
Alexandria, VA 22313-1450

RESPONSE TO EXAMINER'S RESTRICTION REQUIREMENT

In the Office Action dated April 2, 2007, the Examiner issued a Restriction Requirement identifying the following groups of claims as being drawn to potentially distinct inventions:

- I. Claims 1-32 and 64-75, drawn to 3D measurement of the shape or outline of a surface of an optical member, classified in class 702, subclass 167.
- II. Claims 33-63 and 76, drawn to testing the refraction of an optical member classified in class 356, subclass 128.

The Examiner asserted that these inventions may be regarded as independent and distinct from one another because:

3. The inventions are distinct, each from the other because:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as establishing a manufacturing process for the making of an optical device based on the measured refractive-index characteristics. See MPEP 806.05(d).

4. Because these inventions are distinct for the reasons given above and have

acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

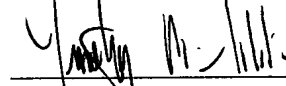
As such, Applicant respectfully requests that the Examiner withdraw the Restriction Requirement in the next subsequent Office Action, and continue prosecution of Groups I, claims 1-32 and 64-75 together with one another without traverse.

Applicants believe that a one month extension of time is necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Timothy M Schaeberle at 607-974-3164.

Respectfully submitted,

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CERTIFICATE OF MAILING UNDER 37

C.F.R. § 1.8: I hereby certify that this paper and any papers referred to herein are being deposited with the U.S. Postal Service, as first class mail, postage prepaid, addressed to Commissioner of Patents, Alexandria, VA 22313-1450


Timothy M Schaeberle, Signature